

Notice of Allowability

Application No.

09/819,063

Applicant(s)

HALL ET AL.

Examiner

Wayne Amsbury

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to IDS OF 6/16/05.
2. ☒ The allowed claim(s) is/are 97-128 and 134-138.
3. ☒ The drawings filed on 28 September 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 2/19/04, 3/22/04, 5/16/04, 6/20/04,
- ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material 9/12/04, 6/16/05
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
- ☒ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other _____

AP

CLAIMS 97-138 ARE PENDING

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Claims 129-133 are hereby deleted.

Authorization for this examiner's amendment was given in a telephone interview with Andrew B. Schwaab and Jeffery McDow on 6/16/05.

In consequence, claims 97-128 and 134-138 are pending.

2. The following is an examiner's statement of reasons for allowance:

Self-descriptive data structures were well known at the time of the invention, even to the extent of being incorporated into languages [Goldberg et al, US 5,201,046, 6 April 1993]. Such data structures are characterized by the incorporation of rules [Stefic et al (Stefic), US 5,629,980 [COL 9 line 66 to COL 10 line 1; COL 11 lines 59-62].

In particular, Stefic attaches digital rights to a digital work (object) [COL 3 lines 56-57], and these rights include conditions that must be satisfied [COL 3 line 62 to COL 4 line 5], which correspond to rules. [See also COL 6 lines 37-49] Authorization to use a

work is embodied in a digital certificate, 9a data structure), that can be moved between repositories [COL 7 lines 57-65].

A work is represented in Stefic by a tree [FIG 8-9] including a rights portion [FIG 7, **704**; COL 9 line 50 to Col 10 line 7]. Stefic suggests that variations in the design of d-blocks, (which correspond to the target data objects of the claims) [COL 10 line 44 to COL 11 line 16], but teaches against their use. A major distinction between Stefic and the claims is that the d-blocks of Stefic describe the format of a component of a digital object, but are not necessarily themselves distinct in format.

Benson et al (Benson), US 5,845,281, applies blocks of control data to specify the characteristics, usage, format, or other external aspects of interest for a block of data. The distinction between specifying a format for the data itself and a format for the control block is significant. The claims are directed to control blocks that can be used in distinct environments. For example, Benson applies a *format code* [COL 8 lines 41-55], which is packaged into a control block [COL 8 lines 56-67], but this is a data format and does not determine the format of the central block.

Benson teaches that the control data structure may be customized [COL 7 lines 41-48], be of distinct types [COL 6 lines 55-58], be of differing formats [COL 7 lines 46-49], and be determined by a user program containing many different types of format modules [COL 11 lines 48-56]. Control formats are modified into differing formats during repackaging [COL 10 line 64 to Col 11 line 6].

However, the mode in which control data that may be of different format occurs in a data structure as depicted in FIG 17, where the distinct formats are directed to distinct data components.

The prior art of record does not anticipate nor suggest a data structure comprising two target data blocks specifying rights pertaining to a common digital object, each target data block written in a different format.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Amsbury whose telephone number is 571-272-4015. The examiner can normally be reached on M-F 6-18:30 FIRST WEEK.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2161

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WPA


WAYNE AMSBURY
PRIMARY PATENT EXAMINER